HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench : Hon'ble Shri Dilip Raosaheb Deshmukh, J.

Second Appeal No.499 of 2007

Appellant Plaintiff		Jhadi Ram S/o Baishakhu Sahu, Aged 56 years, R/o Village Parsada, Tehsil Patan, District Durg, (C.G.)
	versus	
Respondents Defendants	1.	State of Chhattisgarh, Through- The Collector, Durg.
	2.	The Collector, District-Durg (C.G.)
	3.	The Naib Tehsildar, Tehsil Office- Bhilai-3, District-Durg (C.G.)
	4.	Ghasiya Ram S/o Rama Rao Rawat, R/o Village- Parsada, Tehsil Patan, District Durg, (C.G.)

Second Appeal under Section 100 of the C.P.C.

Present : Appellant by Shri Malay Kumar Bhaduri, learned counsel.
Respondents No.1 to 3 by Shri Sushil Dubey, Government Advocate.

ORAL ORDER
(Passed on 26th of November, 2007)

Heard on admission.

(2) The appellant is aggrieved by the judgment and decree dated 14-08-2007 passed by the XIth Additional District Judge (F.T.C.), Durg in Civil Appeal No.17-A/2006, whereby the judgment and decree dated 03-01-2005 passed by the VIIth Civil Judge Class-II, Durg in Civil Suit No.47-A/2001 whereby the suit was dismissed, was affirmed.

(3) Both the Courts below have recorded a concurrent finding of fact that a patta was granted to the respondent No.4-Ghasiya Ram, who was in possession of the suit land and was subsequently declared

Bhoomiswami, and therefore, sale by Ghasia Ram in favour of the appellant/plaintiff being in contravention of Section 165 (7) (b) of C.G. Land Revenue Code, was contrary to law. On these findings, both the Courts below while placing reliance on ***Mulayam Singh and another vs. Budhwa Chamar and Others***, **2002(2) M.P.H.T.-140 (D.B.)** declined to grant relief to the appellant/plaintiff.

(4) I have perused the judgment and decree of both the Courts below. In the light of decision in **Mulayam Singh and another** (Supra), I am of the considered opinion that the finding recorded by both the Courts below being in conformity with law, no substantial question of law arises for determination in this appeal which is accordingly dismissed at the stage of admission.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Tumane